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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Venezuela

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Venezuela on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.19) at its 3rd, 4th and 5th meetings (E/C.12/2001/SR.3-5), held on 24 and 25 April 2001, and adopted, at its 23rd meeting (E/C.12/2001/SR.23), held on 8 May 2001, the following concluding observations.

A. Introduction

2. The Committee notes with satisfaction the presence of a large and high-level delegation and the cooperative spirit with which the delegation approached the constructive dialogue with the Committee. However, the Committee regrets the 10-year delay in the submission of the second periodic report as well as the delay in the submission of the written replies to the Committee's list of issues. In addition, the Committee regrets that many questions put to the delegation received general, incomplete or vague answers.

B. Positive aspects

3. The Committee welcomes the adoption of the new 1999 Constitution, which incorporates a wide range of human rights, including a number of the economic, social and cultural rights enshrined in the Covenant, and the fact that article 23 of the Constitutional accords international human rights instruments, to which Venezuela is a party.

4. The Committee notes with appreciation the establishment of the National Plan of Action for Human Rights of 1997, and the establishment of a national anti-poverty programme.

5. The Committee notes with satisfaction the establishment of an independent Ombudsman's Office.

6. The Committee notes with appreciation the adoption in September 1998 of the Violence against Women and the Family Act and the Equal Opportunities for Women Act and the recent establishment of the autonomous National Women's Institution that will, among other things, gather statistics on the situation of women in Venezuela.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the severe floods suffered by Venezuela in 1999 and acknowledges the impact they have had on the capacity of the State party in guaranteeing the implementation of economic, social and cultural rights.

8. The Committee further notes that the recent economic recession and the adverse effects of structural adjustment programmes undergone by Venezuela in the past 10 years have restricted the ability of the State party to comply with its obligations under the Covenant.

D. Principal subjects of concern

9. The Committee is concerned at the State party's slowness in implementing its own National Plan of Action for Human Rights and the Venezuelan society at large lacks awareness about rights enshrined in the Covenant.

10. The Committee is concerned that the Ombudsman's Office does not place adequate emphasis on the monitoring of the enjoyment of economic, social and cultural rights by the citizens of Venezuela, especially by the indigenous people, and that there is no case law relating directly to the provisions of the International Covenant on Economic, Social and Cultural Rights.

11. The Committee is concerned that the non-issue of personal documentation to refugees and asylum-seekers by the State authorities seriously hinders their enjoyment of economic, social and cultural rights, including the rights to work, health and education. This situation prompted a decision by the Inter-American Commission on Human Rights in March 2001 ordering protective measures for 287 Colombian refugees.

12. The Committee deplores the discrimination against indigenous people, particularly with regard to access to land ownership, housing, health services and sanitation, education, work and

adequate nutrition. The Committee is particularly concerned about the adverse effects of the economic activities connected with the exploitation of natural resources, such as mining in the Imataca Forest Reserve and coal-mining in the Sierra de Perijá, on the health, living environment and way of life of the indigenous populations living in these regions.

13. The Committee regrets the inadequacy of the information provided with regard to articles 6 and 7 of the Covenant. The Committee is concerned at the high rate of unemployment and lack of job security for workers as hiring practices become more flexible, driving many workers into the informal sector.

14. Despite the stipulations in article 91 of the Constitution establishing the right of everyone to sufficient wages to support a worker and his family, and by which minimum wages are adjusted every year, the Committee is concerned that the minimum wage is still far short of meeting workers' basic requirements, and that there are disparities between urban and rural wages.

15. The Committee is concerned that following the national referendum of December 2000 on trade union reorganization, the entire leadership of the country's union federations and confederations was dismissed whereas only union members can elect or remove their leaders.

16. The Committee is alarmed about the high rate of domestic violence and the extent of child prostitution and trafficking in children, and regrets the lack of available statistics on the number of street children. The Committee is deeply concerned about the extent of the sex trade involving children and the inability of the State party to address these issues.

17. The Committee is deeply concerned that the efforts of the State party to improve the situation of its people are inadequate, and that there is still an alarmingly high level of poverty in Venezuela, especially among the indigenous peoples, and that economic, social and cultural rights are not integrated into the Government's anti-poverty programme.

E. Suggestions and recommendations

18. The Committee recommends that the State party seek advisory services from the Office of the United Nations High Commissioner for Human Rights concerning the overall implementation of the 1997 National Plan of Action for Human Rights, and in particular the inclusion of economic, social and cultural rights of the Plan.

19. The Committee urges the State party to organize an awareness-raising campaign to education the public at large on their economic, social and cultural rights, and to target in particular magistrates, police officers and other responsible officials.

20. The Committee encourages the State party to proceed with the adoption of the Act establishing the Ombudsman's Office and urges the Ombudsman to attend closely to the promotion and protection of economic, social and cultural rights, in particular with respect to indigenous communities.

21. The Committee encourages the State party to ratify the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee recommends that the State party issue personal documentation to asylum-seekers in order to enable them to enjoy their basic rights under the Covenant and to apply the protective measures recommended in March 2001 by the Inter-American Commission on Human Rights.

22. The Committee requests the State party to provide, in its next periodic report, detailed information on the situation of indigenous peoples and on the efforts, if any, by the Government to acknowledge the specific economic, social and cultural rights of the indigenous people as a distinct minority group and to improve their situation, in particular in the Imataca Forest Reserve and the Sierra de Perijá.

23. The Committee requests the State party to provide, in its next period report, more detailed information relating to articles 6 and 7 of the Covenant, including in particular an account of the role of labour inspectors, and urges the State party to implement the 1986 Health and Safety Act, which determines safe and healthy conditions of work.

24. The Committee recommends that the State party take effective action to reduce the unemployment rate by inter alia, providing training for young people and protection against unwarranted dismissal for workers, and by conducting regular reviews of the minimum wage levels to enable workers to attain an adequate standard of living for themselves and their families.

25. The Committee calls on the State party to comply with the recommendation of the International Labour Organization requesting the revocation of the results of the referendum on trade union reorganization and to refrain from making hostile declarations against independent trade union federations. It also recommends that the bill in preparation afford all workers trade union freedoms as required by article 8 of the Covenant.

26. The Committee invites the State party to provide, in its next periodic report, updated statistics on the situation of women in Venezuela, in particular on the phenomenon of domestic violence, as well as on the status of implementation of the newly adopted law on domestic violence. The Committee urges the State party to take more effective measures to combat domestic violence against women and children.

27. The Committee urges the State party to indicate, in its next periodic report, the problem of the measures it has undertaken to address the problem of street children and, in particular, the problem of their sexual exploitation.

28. The Committee urges the State party to seek international technical assistance in the implementation of its anti-poverty programme.

29. The Committee requests the State party to provide, in its next periodic report, detailed information about the functioning of the social security system, the privatization of the health-care system and the integration of vulnerable groups, including indigenous people, into the health-care system.

30. The Committee recommends that the State party implement, with the assistance of the United Nations Educational, Scientific and Cultural Organization, a comprehensive National Education for All Plan as required by the Dakar Framework for Action, and to reflect in the Plan articles 13 and 14 of the Covenant and the Committee's General Comments 11 and 13.

31. The Committee urges the State party to develop a more elaborate system of national statistics on all the rights enshrined in the Covenant. In particular, the Committee requests the State party to provide, in its next periodic report, information including relevant statistics on the incidence of violence, the general housing situation, forced evictions, and on the status of land reform in Venezuela. The Committee further recommends that the State party provide information on the steps taken in these respects.

32. The Committee requests that the State party disseminate these concluding observations as widely as possible among the State institutions concerned, as well as its citizens.

33. The Committee requests the State party to address, in its third periodic report, the implementation of these concluding observations.

34. The Committee requests the State party to submit its third periodic report by 30 June 2006.